

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-21008 - APPLICANT: CASHBACK - OWNER:
CHEYENNE FAIRWAYS BUSINESS CENTER**

**** CONDITIONS ****

The Planning Commission (4-0-1/sdvote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-6324) and Site Development Plan Review (SDR-6331) if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal filed by the applicant from the denial by the Planning Commission of a request for a Special Use Permit for an auto title loan establishment and waivers to allow a distance separation of zero feet from a residential use where 200 feet is required and to allow an auto title loan establishment to be 1,250 square feet where 1,500 square feet is required at 8670 West Cheyenne Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/91	The City Council approved the Annexation (A-0002-91) of lands north of Cheyenne Avenue, west of Durango Drive, including the east half of the subject property.
06/15/94	The City Council approved a Rezoning (Z-0004-94) from N-U (Non-Urban) to R-PD9 (Residential Planned Development – 9 Units Per Acre) on 21.42 acres adjacent to the northeast corner of Cheyenne Avenue and El Capitan Way, to the west of the subject property. The Planning Commission and staff recommended approval.
10/27/94	The Planning Commission approved the Annexation (A-0027-94) of lands north of Cheyenne Avenue, west of Durango Drive, including the west half of the subject property.
12/20/95	The City Council approved a Rezoning (Z-0087-95) from N-U (Non-Urban) to C-1 (Limited Commercial) on the west 2.5 acres of this site (including area dedicated for right-of-way). The Planning Commission and staff recommended approval.
04/28/97	The City Council approved a General Plan Amendment (GPA-0013-97) from SC (Service Commercial) to PF (Public Facilities) on the subject site as part of a larger request. A Rezoning to C-V (Civic) on the subject site was also approved as part of a larger request (Z-0022-97). The Planning Commission and staff recommended approval.
01/25/01	The Planning Commission approved a Site Development Plan Review [Z-0022-97(1)] for a proposed 9.3-acre city park and a golf course with ancillary maintenance facility, club house, and golf cart storage on 102.5 acres north of the subject site. Staff recommended approval.
06/01/06	The City Council approved a General Plan Amendment (GPA-6318) from PR-OS (Park/Recreation/Open Space) to SC (Service Commercial), a Rezoning (ZON-6324) from C-V (Civic) to C-1 (Limited Commercial), and a Site Development Plan Review (SDR-6331) for a proposed commercial development consisting of a 40,000 square foot, two-story office building and two single-story 5,000 square foot retail buildings on the subject site. The Planning Commission and staff recommended approval of all items.
05/24/07	The Planning Commission voted 4-0-1/sd to recommend DENIAL (PC Agenda Item #58/lhm).

<i>Related Building Permits/Business Licenses</i>	
04/20/06	Building permits under plan check number C-220-05 were issued for Investment Equity Builders for the construction of shell buildings A, B and C; the construction of on-site improvements for shell buildings A, B and C; and for three trash enclosures.
05/24/06	Building permits under plan check number C-220-05 were issued for Helix Electric for electrical work to shell buildings A, B, and C, and for the on-site improvements.
06/08/06	Building permits under plan check number C-220-05 were issued for Sands Plumbing for plumbing installation for shell buildings A, B, and C.
07/07/06	Building permits under plan check number C-220-05 were issued for Chaparral Contracting, Inc. to install on-site water and sewer improvements.
<i>Pre-Application Meeting</i>	
02.27/07	A pre-application meeting was held and applicant advised an SUP would be required to allow a distance separation of zero feet from residential where 200' is required and a waiver to allow a 1,250 sf space where 1,500 sf is required. discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application nor was one held.	

<i>Field Check</i>	
4/19/2007	Commercial center under construction.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.22

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices and retail buildings under construction.	SC (Service Commercial)	C-V (Civic) under Resolution of Intent to C-1 (Limited Commercial)
North	Golf Course	PR-OS (Parks, Recreation and Open Space)	C-V (Civic)
South	Single Family Detached Dwellings	ML (Medium-Low Density Residential)	P-C (Planned Community)
East	Mini-Warehouse	SC (Service Commercial)	C-1 (Limited Commercial)

West	Single Family Attached Dwellings & LVVWD well site.	ML (Medium-Low Density Residential) & SC (Service Commercial)	R-PD9 (Residential Planned Development – 9 Units Per Acre) & C-V(Civic) under Resolution of Intent to C-1 (Limited Commercial)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		N	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		N	
Trails	Y		Y
Rural Preservation Overlay District		N	NA
Development Impact Notification Assessment		N	NA
Project of Regional Significance		N	NA

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail less than 25,000 SF	10,000 SF	1 Space per 175 SF GFA	58	3	58	3	Y
Office General	35,000 SF	1 space per 300 SF GFA	117	5	117	5	Y
		1 space per 200 SF for the first 2000 SF; 1 space per 175 SF thereafter					
Medical	5,000 SF		29	1	30	2	Y
SubTotal			204	9	205	10	
TOTAL (including handicap)	50,000 SF		215	9	215	10	Y

Waivers		
Request	Requirement	Staff Recommendation
Separation Distance of Zero Feet from Residential	200 Feet	This waiver is not supported.
Allow 1,250 Square Feet	1,500 Square Feet	This waiver is not supported.

ANALYSIS

- **Zoning**

The C-1 (Limited Commercial) Zoning District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the SC (Service Commercial) Land Use category of the General Plan.

- **Use**

The request is for a Special Use Permit for a proposed Auto Title Loan Establishment with waivers of requirements to allow a zero foot separation where 200-foot separation is required from an existing residential subdivision, and to allow 1,250 square feet of interior space where 1,500-feet.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Auto Title Loan use will be located on an approved pad site which is currently under construction. Abutting the west side of the subject parcel is a residential subdivision requiring a waiver from Title 19.04 as the Auto Title Loan use does not meet the required 200 foot distance separation from residential properties. Thus, the proposed land use cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The applicant has requested Waivers of the 200-foot separation from residential zoning and of the 1,500 square foot space requirement. Therefore, the subject site is not suitable for the type and intensity of the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is provided via drives from Cheyenne Avenue, a Primary (100-ft) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed Auto Title Loan use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed development will be subject to inspections and permitting, and therefore will not compromise the public health, safety or welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use is not in compliance with all the requirements of Title 19.04., therefore, cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses. The site is zero feet from the nearest residential use where a 200-foot minimum distance separation is required, and will consist of 1,250 square feet where 1,500 square feet is required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 409 by City Clerk

APPROVALS 0

PROTESTS 15